

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**DR. DEBRA L. WALKER and PRENTISS
WALKER, her husband,**

PLAINTIFFS

VS.

CAUSE NO.: 2:16cv42-KS-MTP

**TARGET CORPORATION, d/b/a
TARGET**

DEFENDANT

**TARGET CORPORATION d/b/a TARGET'S
DAUBERT MOTION TO STRIKE AND/OR EXCLUDE CERTAIN OPINIONS OF
PLAINTIFFS' PROPOSED EXPERTS, LACY H. SAPP, MHS, CRC, CLCP,
AND GEORGE CARTER, PH.D.**

Defendant, Target Corporation d/b/a Target ("Target"), by and through undersigned counsel, files its *Daubert* Motion to Strike and/or Exclude Certain Opinions of Plaintiffs' Proposed Experts, Lacy H. Sapp, MHS, CRC, CLCP ("Ms. Sapp"), and George Carter, Ph.D. ("Dr. Carter"), hereby requesting that the Court strike the expert opinions of Ms. Sapp, or, in the alternative, that her opinions be limited in scope and that she be precluded from testifying as to Plaintiff Dr. Walker's ability to work and/or wage earning capacity, as well as to Dr. Walker's anticipated future medical costs. And, further requesting that the Court strike the expert opinions of Dr. Carter, and exclude Dr. Carter from offering testimony as an expert at trial. As will be demonstrated through this Motion, Ms. Sapp was neither hired nor designated as an expert in vocational analysis, has not conducted a vocational assessment of Dr. Walker, so that any testimony Ms. Sapp may provide would not be premised on relevant or accurate data, rendering any potential opinions as to Dr. Walker's ability to work and/or wage earning capacity both irrelevant and unreliable. As will be further demonstrated through this Motion, Ms. Sapp's opinions as to many of Dr. Walker's future medical costs are unreliable because Ms. Sapp only

used one source to obtain estimates on certain medical costs, failed to obtain costs from the area in which Dr. Walker routinely seeks medical treatment, did not meet the applicable standards for life care planners, and did not form her opinion “with scientific certainty.”

By this Motion, Defendant is further requesting that the Court strike the expert opinions of Dr. Carter, and exclude Dr. Carter from offering expert testimony at trial. As will be demonstrated through this Motion, Dr. Carter based the entirety of his opinions on the false assumption that Dr. Walker will never be able to work again, which has not been established or even mentioned by Dr. Walker’s physicians, such that Dr. Carter’s opinions are fundamentally unsupported, and, therefore, unreliable.

In support of this *Daubert* Motion to Strike and/or Exclude Certain Opinions of Plaintiffs’ Proposed Experts, Lacy H. Sapp, MHS, CRC, CLCP, and George Carter, Ph.D., Target relies upon and incorporates herein its Brief in Support of its *Daubert* Motion to Strike and/or Exclude Certain Opinions of Plaintiffs’ Proposed Experts, Lacy H. Sapp, MHS, CRC, CLCP and George Carter, Ph.D. (“Supporting Brief”), filed this same day.

In further support of its *Daubert* Motion to Strike and/or Exclude Certain Opinions of Plaintiffs’ Proposed Experts, Lacy H. Sapp, MHS, CRC, CLCP, and George Carter, Ph.D., Target relies upon the evidentiary material referenced throughout its Supporting Brief either by citation to the official court record or to the following additional exhibits included herewith:

Exhibit A – Deposition of Lacy H. Sapp at p. 14

Exhibit B – Deposition of Lacy H. Sapp at p. 22

Exhibit C – Deposition of Lacy H. Sapp at p. 24

Exhibit D – Deposition of Lacy H. Sapp at p. 76-79

Exhibit E – Deposition of Lacy H. Sapp at p. 33-42

Exhibit F – Report of George H. Carter, Ph.D.

WHEREFORE, Target's *Daubert* Motion to Strike and/or Exclude Certain Opinions of Plaintiffs' Proposed Experts, Lacy H. Sapp, MHS, CRC, CLCP, and George Carter, Ph.D., should be GRANTED.

RESPECTFULLY SUBMITTED, this the 20th day of April, 2017.

TARGET CORPORATION
Defendant

BY: /s/ John S. Graham
MONTE L. BARTON, JR.
JOHN S. GRAHAM

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CERTIFICATE OF SERVICE

I, the undersigned, attorney of record for Defendant, Target Corporation, do hereby certify that I have this day served, via ECF filing system, a true and correct copy of the above and foregoing document to the following counsel of record:

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THIS, the 20th day of April, 2017.

/s/ John S. Graham
MONTE L. BARTON, JR.
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